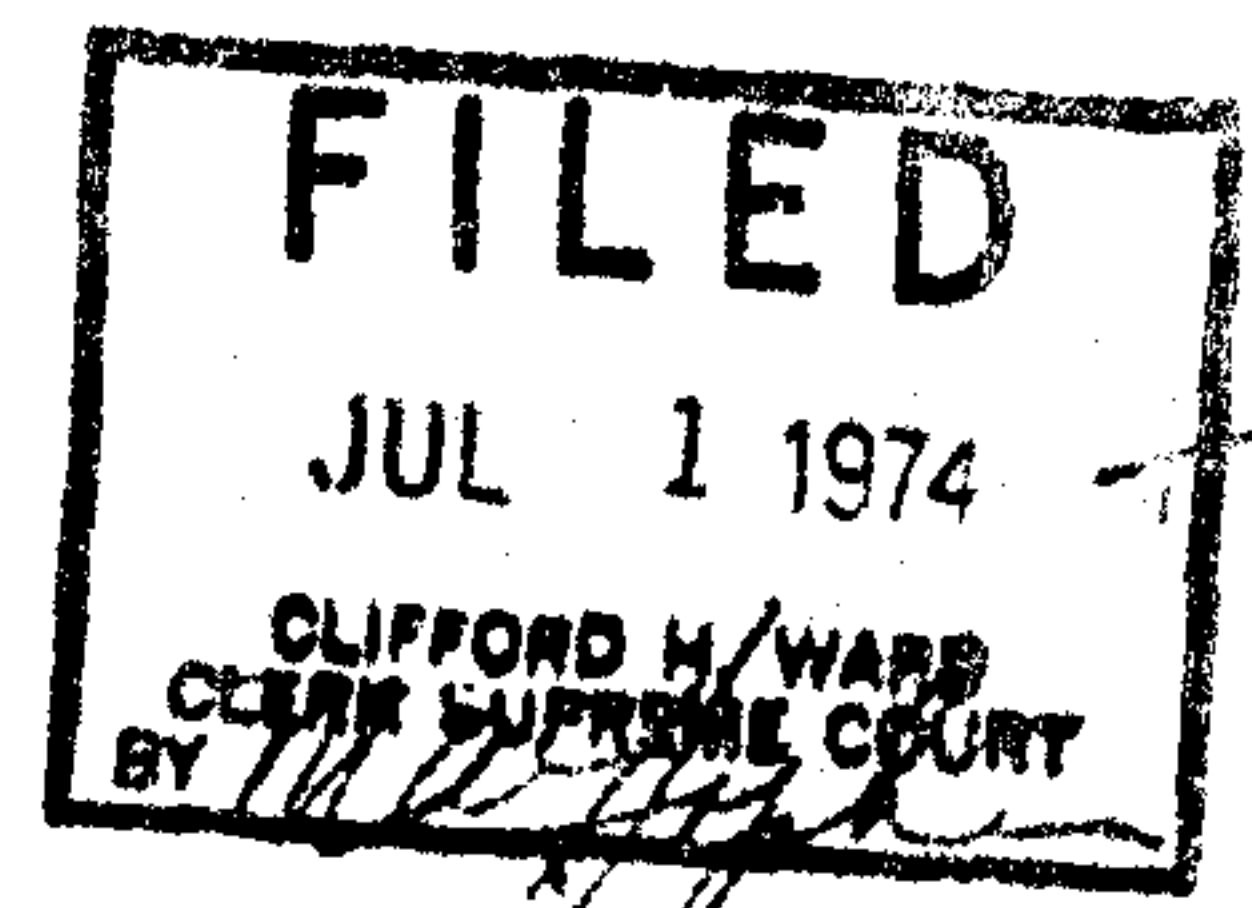


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IN THE SUPREME COURT
OF THE STATE OF ARIZONA

FARMERS INVESTMENT COMPANY, a
corporation,

Petitioner,

-vs-

PIMA MINING COMPANY, a corporation;
ANDREW L. BETTWY, State Land Com-
missioner; STATE LAND DEPARTMENT;
THE HONORABLE ROBERT O. ROYLSTON,
Judge of the Pima County Superior
Court; and THE PIMA COUNTY SUPERIOR
COURT,

Respondents.

No. 11439

RESPONSE TO PETITIONER'S
MOTION FOR ORDER PURSUANT
TO RULE 9

Respondents ANDREW L. BETTWY, State Land Commissioner, and
the ARIZONA STATE LAND DEPARTMENT, pursuant to Rule 9 of the Rules
of Procedure for Special Actions, respectfully request the Court
to stay the fixing of the effective date of the decision in the
above-entitled case.

This request by respondents is made on the grounds that the
State Land Department will require a minimum of sixteen weeks to
comply with the order that all water must be sold at public auction.
While the Department is making every effort to hasten to follow the
order of the Court, publication and processing will require a
minimum of sixteen weeks, publication itself requiring ten weeks.

Respondents submit that sixteen weeks use of water will
cause no or minimal detriment to petitioners; if, however, the
order is made effective immediately and the other respondents are
forced to close the mines for a period of sixteen weeks due to lack
of water, great detriment will result to the respondents and the
State of Arizona as a whole.

1 Respondents submit that they would receive great detriment
2 if the order were to become effective immediately, while the
3 enhancement to petitioner should be minimal at best during that
4 sixteen week period.

5 For the above reasons, respondents request that the date of
6 fixing the order be stayed until such time as the Arizona State
7 Land Department is able to follow the procedures required by law
8 for the auction of natural products.

9 Respectfully submitted this 1st day of July, 1974.

10
11 N. WARNER LEE
12 The Attorney General

13
14 
15 CRAIG MOUSEL
16 Assistant Attorney General

17 Copy of the foregoing mailed this
18 1st day of July, 1974, to:

19 Mark Wilmer, Esq.
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29 Verity & Smith
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31 Tucson, Arizona 85701
32 Attorneys for Pima Mining Co.

33 The Honorable Robert O. Royston
34 Judge of Superior Court
35 Pima County Courthouse
36 Tucson, Arizona 85701

37 
38 Craig Mousel

STATE OF ARIZONA)
)
COUNTY OF MARICOPA)

ss:

I Craig Swick hereby certify:
Name

That I am Reference Librarian, Law & Research Library Division of the Arizona State
Title/Division

Library, Archives and Public Records of the State of Arizona;

That there is on file in said Agency the following:

Microfilm of Farmer's Investment Company v. Pima Mining Company et al, Arizona Supreme Court Case
No. 11439, Response to Petitioner's Motion for Order Pursuant to Rule 9, July 1, 1974. Pages 289-290.

The reproduction(s) to which this affidavit is attached is/are a true and correct copy of the document(s)
on file.

Craig B. Swick
Signature

Subscribed and sworn to before me this 12/12/2005
Date

Etta Louise Muir
Signature, Notary Public

My commission expires 04/13/2009
Date

